

SUPPORT FOR THE AMENDMENTS

The specification has been amended to remove a hyperlink at page 23 of the specification.

Newly-added Claims 30-47 are supported by the specification and the original claims.

Newly-added Claim 30 corresponds to the subject matter of Claims 1, 5, 6, 7 and 8.

Newly claims 31 and 33 to 47 correspond to the subject matter of claims 3, 9, 10 to 15, 17-21, 24, 25 and 27, respectively. Claim 35 (see Claim 11) has been amended to specify that the precursor of the double-stranded oligonucleotide in a) consists of the sense and antisense strands of said double-stranded oligonucleotide since both strands are necessary to form the claimed double-stranded oligonucleotide. Support for this amendment is found in the specification, for example page 13, lines 10-14.

Claim 32, which is directed to a double-stranded oligonucleotide wherein the two protruding nucleotides of the 3'ends are identical is supported by the three last lanes of Table III which shows that the claimed double-stranded oligonucleotides (SEQ ID NO: 67, SEQ ID NO: 83 and SEQ ID NO: 86) have two protruding nucleotides at the 3'ends which are identical.

No new matter is believed to have been added to the present application by the amendments submitted above.

REMARKS

Claims 30-47 are pending. Favorable reconsideration is respectfully requested.

Applicants would like to thank Examiner Whiteman for indicating that Claims 6 and 8 are allowable. In the amendment submitted above, newly-added Claim 30 corresponds to the subject matter of Claims 1, 5, 6, 7 and 8.

The rejection of the claims under 35 U.S.C. §102(e) over Khvorova is believed to be moot. Claims 6 and 8 were not rejected. Since the subject matter of those claims is incorporated in Claim 30, Applicants submit that the rejection does not apply to the newly-added claims. Withdrawal of this ground of rejection is respectfully requested.

The rejection of the claims under 35 U.S.C. §103(a) over Wyatt et al. taken with Tuschl1 and Tuschl2 is believed to be moot. Claims 6 and 8 were not rejected. Since the subject matter of those claims is incorporated in Claim 30, Applicants submit that the rejection does not apply to the newly-added claims. Withdrawal of this ground of rejection is respectfully requested.

The rejection of the claims under 35 U.S.C. §103(a) over Wyatt et al. taken with Tuschl1, Tuschl2 and further in view of Fosnaugh et al. is believed to be moot. Claims 6 and 8 were not rejected. Since the subject matter of those claims is incorporated in Claim 30, Applicants submit that the rejection does not apply to the newly-added claims. Withdrawal of this ground of rejection is respectfully requested.

The rejection of Claims 9 and 11 under 35 U.S.C. §102(e) over Wyatt et al. (U.S. 6,440,738) is respectfully traversed. Wyatt et al. fails to disclose the claimed double-stranded oligonucleotide.

In particular, Wyatt et al. do not disclose:

Claim 35 a): the sense and antisense strands of a double-stranded oligonucleotide,

Claim 32: an antisense oligonucleotide consisting, from 5' to 3', of a 17 to 27 ribonucleotide RNA sequence, and either two deoxyribonucleotides tt (see the first two nucleotides of the antisense strand of the double-stranded oligonucleotide CK2 $\beta$ 15 and CK2 $\beta$ 16 presented in Table III) or two ribonucleotides uu (see the first two nucleotides of the antisense strand of the double-stranded oligonucleotide CK2 $\beta$ 17 presented in Table III) which are not complementary to the target mRNA. The region targeted by CK2 $\beta$ 17 corresponds to positions 78 to 96 of the human CK2 beta-subunit transcript, starting from the ATG or positions 418 to 436 of SEQ ID NO: 90 (the ATG is at positions 341-343 of SEQ ID NO: 90). The two nucleotides preceding the targeted region are ga (see positions 416-417 of SEQ ID NO: 90) which are not 100 % complementary to uu.

Wyatt et al. disclose only single-stranded antisense oligonucleotides consisting of oligoribonucleotides (ARN molecules) or oligodeoxyribonucleotides (DNA molecules) which are complementary to the target mRNA.

Therefore, withdrawal of this ground of rejection is respectfully requested.

The rejection of Claim 27 under 35 U.S.C. §112, first paragraph, is believed to be obviated by the amendment submitted above. Claim 27 has been canceled. Newly-added Claim 47 is supported by the specification at page 17, lines 31-35. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Application No. 10/563,011

Reply to Office Action of December 16, 2009

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)

James J. Kelly, Ph.D.  
Attorney of Record  
Registration No. 41,504

